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Approved For Release 2005/05/23 : CIA-RDP79M00983A001500090022-0

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-3200

## United States Senate

SELECT COMMITTEE ON INTELLIGENCE

(PURSUANT TO S. RES. 400, 94TH CONGRESS)

WASHINGTON, D.C. 20510

August 10, 1976

IN REPLY PLEASE  
REFER TO R# 4290

Mr. George Bush  
Director of Central Intelligence  
Central Intelligence Agency  
Langley, Virginia

SSCI

77-0052

Dear Director Bush:

As you know the Senate has established, by the passage of S. Res. 400 of the 94th Congress, the Senate Select Committee on Intelligence. Section 12(a)(2) of S. Res. 400 provides that the Senate Select Committee shall study the "extent and nature of the authority of the departments and agencies of the Executive branch to engage in intelligence activities and the desirability of developing charters for each intelligence agency or department."

As Chairman and Vice Chairman of the Senate Select Committee's Subcommittee on Charters and Guidelines, we are writing to ask for your assistance in this study. During the months ahead the Subcommittee and the Subcommittee's staff will meet with representatives of all agencies and departments which constitute the United States Intelligence Community. These meetings will be to determine the authority of the various departments and agencies, to examine the potential effects of proposed organizational changes on the accomplishment of the vital intelligence mission of the United States, and to discuss new or revised charters for the Intelligence Community agencies and departments.

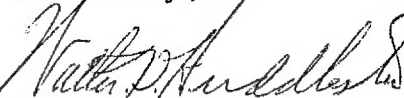
In order to accomplish our mission under S.Res.400, we are requesting that you designate one or more members of your staff who will be able to meet regularly with the Subcommittee or the Subcommittee's staff to discuss charter issues as they relate to Intelligence Community

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agencies and departments under your jurisdiction and notify the Subcommittee of your choice of designees. We would also appreciate it if you, or your staff, could within the next three weeks, draw up a list of (1) changes which you believe are desirable in the extent and nature of the authority of the Intelligence Community agencies and departments under your jurisdiction; and (2) principles which you and your staff believe should be embodied in charters for these departments or agencies. The lists of changes and principles will allow the Subcommittee to begin, with you, a cooperative dialogue designed to strengthen America's Intelligence Community and to insure that it operates in accordance with the laws of the United States.

There has been no similarly systematic congressional review of the extent and nature of the authority of the agencies and departments which make up the United States Intelligence Community since the passage of the National Security Act of 1947. The study which the Subcommittee on Charters and Guidelines is undertaking carries with it enormous responsibility. The end product of the study may be landmark legislation in this area. We look forward to your assistance in this challenging venture.

Sincerely,



Walter D. Huddleston  
Chairman, Subcommittee on  
Charters and Guidelines



Mark O. Hatfield  
Vice Chairman, Subcommittee  
on Charters and Guidelines

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# ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM:

Legislative Counsel

EXTENSION

NO.

DATE

23 August 1976

TO: (Officer designation, room number, and building)

DATE

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1.

D/DCI/IC

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Dan:

Please understand I am not fighting the problem here. ☐ ☐ explained the reasons for your wanting to get into this one at the outset. I just wanted to be sure that you are aware that this will probably be a real hornet's nest where you will either have the Select Committee or Defense at your throat since Defense, according to Tom Latimer, is taking a strong position against any rewriting of the DIA and NSA charters in statute and this is obviously one of the objections of the SSCI. Having said this, suggest you push the package on to Hank and the Director.

☐  
George L. Cary  
Legislative Counsel

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# ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM:

Legislative Counsel

EXTENSION

NO.

DATE

20 August 1976

STAT

TO: (Officer designation, room number, and building)

DATE

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

RECEIVED

FORWARDED

1.

D/DCI/IC

M/ml

To #1:

2.

DDCI

Dan:

Your point about DCI letterhead was a good one and I have changed my original letter accordingly. However, as I indicated in my original routing sheet, similar letters have come from Senators Huddleston and Hatfield to Rumsfeld and, I believe, also to Kissinger and Levi. It was my impression that DIA and NSA were going to resist any effort on the part of the Select Committee on Intelligence to rewrite their charters into statute. I think this could become a real donnybrook. Do you want to get in the middle on this, as your letter, I believe, will do, or wouldn't you rather have the SSCI deal directly with those agencies concerning their charters as we did in the case of the Stevenson Subcommittee on Intelligence Production?

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George L. Cary  
Legislative Counsel

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III. Charters for Major Organizational Elements of the Intelligence Community. Any possible requirement for a statutory charter for an individual organization of the Intelligence Community should be separately addressed in terms of the responsibilities and functions which that particular organization is expected to fulfill rather than as part of an omnibus bill applicable to the entire Community.

A. The Central Intelligence Agency is a national intelligence organization, highly specialized in its work, and not an integral part of any larger governmental organization. It requires a legislative charter of its own.

B. No requirement is seen for legislation concerning the intelligence functions and offices of those organizations in which the foreign intelligence elements are small in size, their functions are directly related to the overall mission of the organization of which they are a part, and personnel salaries represent almost the entire cost. In this category are the foreign intelligence elements of the Department of State, the Department of the Treasury and the Energy Research and Development Administration.

C. Any need for statutory provision for the Intelligence Division which is the foreign intelligence element of the Federal Bureau of Investigation should be addressed in terms of whether there is need for legislation with respect to the Bureau as a whole and not separately.

D. Because intelligence activities of the Department of Defense represent such a major portion of the intelligence resources of the United States Government, and since some Defense Department organizations fulfill national as well as departmental intelligence responsibilities, the charter question is inherently complicated.

(1) The Defense Intelligence Agency and the intelligence organizations of the military services are essentially departmental in nature, although they contribute to the production of national intelligence through their collection and analytic activities. Determination of the organization and functions of these intelligence organizations is inherent in the responsibilities of the Secretary of Defense and the Secretaries of the military departments. Additional statutory authorization is not required.

(2) The National Security Agency serves the needs of the entire Government but responsibility for this activity has been assigned to the Secretary of Defense. Because of the highly classified nature of much of the effort for which the NSA is responsible, it, of necessity, operates under classified directives. The existing National Security Council Directives, Director of Central Intelligence Directives, and Defense Department regulations are deemed adequate [ ]

for the purpose, and no statutory charter considered to be required. From the standpoint of organization and manning, Defense Department authorities already are sufficient for the purpose.

(3) The national reconnaissance activities conducted on behalf of the U.S. Government involving Defense Department elements are highly classified in nature. Compartmented classification systems are applied to the planning, programming and conduct of the reconnaissance operations and to the utilization of the products therefrom. The Secretary of Defense and the Director of Central Intelligence are jointly involved in this effort and their authorities are sufficient for the organization, management and functioning of this activity. No need is seen for legislation specifically applicable to the reconnaissance program.

E. None of the foregoing comments concerning the need for legislation, or the perceived absence of such need, as regards individual elements of the Intelligence Community are intended to imply there is no need for an overall statement of the role and function of the foreign intelligence program of the United States Government. Such a statutory statement, positive in tone and general in nature, could serve a very useful purpose. It could be included as an amendment to the National Security Act of 1947 or be a separate legislative act.

(1) Such legislation could set forth the basic purposes of national intelligence activities and define the relationship between the Congress and the intelligence agencies of the Executive Branch. Statutory provision for exclusivity in jurisdiction for intelligence oversight would be helpful, as also would provision for establishment of rules which will assure the responsible handling of sensitive intelligence information in the Congress.

(2) Such legislation, however, should not deal with the structure and procedures of the Intelligence Community, nor the specific roles and responsibilities of the departmental components of the Community.

(3) Considerable attention already has been given to the "thou shalt not" restrictions on intelligence activities, e.g., Executive Order 11905, and there is need for positive statement of the activities which the Intelligence Community is authorized to undertake.

F. Unless the Senate Select Committee on Intelligence envisages a major and drastic revision of the functioning and structure of the Intelligence Community, little if any need is seen for Committee attention to statutory charters for elements of the Community other than the DCI's Intelligence Community Staff and the Central Intelligence Agency.